

8/16/2021 5:05 pm

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE**

BEFORE: JAMES M. WICKS, U.S. MAGISTRATE JUDGE

DATE: 8/16/2021

TIME: 2:00 PM

☐ SEALED PROCEEDING

CIVIL CAUSE FOR MOTION HEARING (video)

CASE: 2:20-cv-02283-GRB-JMW, Long Island Neurosurgical Associates, P.C. v. MagnaCare

APPEARANCES:

For Plaintiff: Nan Geist Faber

For Defendant: Joseph G. Harraka

Court Reporter/FTR: 2:07-2:48 (video)

THE FOLLOWING RULINGS WERE MADE:

- ☒ Motion Hearing/Oral Argument/Oral Ruling held regarding Defendant's Motion to Quash and/or for a Protective Order [30].
- ☒ Defendant's Motion to Quash and/or for a Protective order [30] is granted in part and denied in part, with leave to renew, for the reasons stated on the record during oral argument. Plaintiff has not established entitlement to discovery outside of the administrative record, *see Aitken v. Aetna Life Insurance Company*, 16-CV-4606 (PGG)(JCF), 2017 WL 455547 (S.D.N.Y. Jan. 19, 2017) and *Chau, M.D., v. Hartford Life Insurance Company*, No. 14-cv-8484 (GHW), 2016 WL 7238956 (S.D.N.Y. Dec. 13, 2016), with the limited exception that Defendant must produce 1) a declaration from MagnaCare affirming that the previously produced administrative record is the complete and full administrative record that was before the claims administrator containing all of the evidence upon which the subject decision was issued, and 2) a complete and unredacted copy of the email correspondence Plaintiff attached as Exhibit E in Opposition [29] (MagnaCare 000425). The enumerated discovery shall be produced on or before August 26, 2021 and shall be produced subject to the Confidentiality Agreement in effect [26].

SO ORDERED

/s/James M. Wicks

JAMES M. WICKS

United States Magistrate Judge